

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UMB BANK, N.A.,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. 4:21-cv-01154-O
	§	
ALL COMMERCIAL FLOORS, INC.,	§	
	§	
Defendant.	§	

**THIRTEENTH RECEIVERSHIP REPORT
(REPORTING PERIOD: OCTOBER 1, 2022 – OCTOBER 31, 2022)**

Jeff Merritt, the court-appointed receiver herein (the “Receiver”), submits for the consideration of the Court the following information regarding the status of the Receivership, asset collection efforts, and other ongoing activities. Unless otherwise stated herein, the information in this report is current as of October 31, 2022. The Receiver will supplement this report as required by the Court, as circumstances develop, and/or if the information herein materially changes.

BACKGROUND

1. On October 22, 2021, the Court entered the Order (Docket No. 7) (the “Order”) appointing the Receiver. The Order requires, *inter alia*, that All Commercial Floors, Inc. (the “Company”)¹ surrender to the Receiver all of the property of Company (the “Existing Property”), empowered the Receiver to control the Property and to recover any other property, interests in property, assets, and/or claims of Company (collectively and together with the Existing Property, the “Property”), and to take any other actions necessary for the Receiver to administer the Property.

2. The Order further requires a monthly Receivership Report (as defined in the Order) by the Receiver as to all of the income received and expenses paid for the previous month.

¹ Where applicable, the term “Company” for purposes of this report shall also mean and refer to the receivership estate.

3. The Receiver to date has filed the following Receivership Reports prior to the filing of this Receivership Report, all of which are available on the docket of this case.

Docket No.	Start Date	End Date
8	10/22/2021	10/31/2021
14	11/1/2021	11/30/2021
18	12/01/2021	12/31/2021
27	n/a (supplement)	n/a (supplement)
29	1/01/2022	1/31/2022
32	2/01/2022	2/28/2022
33	3/1/2022	3/31/2022
34	4/1/2022	4/30/2022
36	5/1/2022	5/31/2022
37	6/1/2022	6/30/2022
41	7/1/2022	7/31/2022
42	8/1/2022	8/31/2022
43	9/1/2022	9/30/2022

ACTIVITIES OF THE RECEIVER

4. During the Reporting Period, the Receiver adhered to the Receivership Order and commenced, and/or continued, without limitation, the following activities.

- a. Continued the review of cash flows, reviewed contracts and/or invoices.
- b. Interacted with the UMB Bank N.A. to continue management and control of remaining cash and limited cash disbursements.
- c. Paid remaining key trade, employee, professional fees and/or other necessary costs incurred in the receivership.
- d. Responded to requests for information from customers and creditors as appropriate.

5. In light of the substantial and overwhelming deficiency claim of the UMB Bank, the Receiver still does not foresee conducting a formal claims process and/or procedure through this action or otherwise under the receivership.

6. The Receiver believes the estate has a claim against the company's insurer, and intends to pursue that claim. To the extent a prompt resolution cannot be reached with the insurer,

the Receiver intends to pursue the claim with the assistance of special litigation counsel. Because UMB's lien attaches to insurance claim proceeds, the net recovery will be turned over to UMB up to the amount of the remaining outstanding balance of its loan claim.

INCOME AND EXPENSES

7. The cash receipts and disbursements of the Company under the Receivership for the Reporting Period are shown in **Exhibit JM013**, attached hereto and incorporated by reference herein.

8. *Cash inflows.* During the Reporting Period, the Company under the Receivership received cash in the total amount of \$12,542.15 as set forth in Exhibit JM013.

9. *Cash outflows.* During the Reporting Period, the Company under the Receivership disbursed cash in the total amount of \$16384.87 as set forth in Exhibit JM013.

Dated: December 1, 2022

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

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ATTORNEYS FOR
JEFF MERRITT, RECEIVER

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EXHIBIT JM013

Sources & Uses of Cash	
October 2022	
Sources of Cash	
Deposits	12,542.15
Auction proceeds	-
Insurance refund	-
Cowboy Seat License Sale	-
Parasell sublease	-
Total Sources of Cash	12,542.15
Uses of Cash	
Trash removal	-
Vendors	-
Installers pay	-
IT	-
Rent	-
Utilities	-
Textura charge	-
Postage	-
Insurance	-
Bank charges	381.34
Waycer Kaplan	13,390.78
Merritt Advisors	2,174.75
Storage fees	418.00
Bus. Personal Prop. Taxes	-
Loan Repayment	-
Miscellaneous	-
IRS Penalties	-
Dallas Cowboy Tickets	-
Payroll	-
Total Uses of Cash	\$ 16,364.87
Net Cash Flow	\$ (3,822.72)